

REMARKS

Claims 1, 2, 4, 6-9, 11, 12, 14, 16, and 18-40 are pending in this application, with claims 21-40 being newly added. Claims 1-20 currently stand rejected, and claims 1, 2, 4, 6-9, 11, 12, 14, 16 and 18-20 have been amended. Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Applicants respectfully note that the present action does not indicate that the claim to foreign priority under 35 U.S.C. §119 to Korean Application 2002-54044 filed September, 7, 2002, has been acknowledged or that certified copies of all priority documents have been received by the U.S.P.T.O. Applicants respectfully request that the Examiner's next communication include an indication as to the claim to foreign priority under 35 U.S.C. §119 and an acknowledgement of receipt of the certified copies of all priority documents.

Applicants also respectfully note that the present action does not indicate that the drawings have been accepted by the Examiner. Applicants respectfully request that the Examiner's next communication include an indication as to the acceptability of the filed drawings or as to any perceived deficiencies so that the Applicants may have a full and fair opportunity to submit appropriate amendments and/or corrections to the drawings.

Claim Objections

The Examiner objects to misunmbered claims 18-20, which were mistakenly numbered 19-21 with no claim 18. Applicants have revised the numbering of the claims to reflect the proper order. Withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 1-15 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claim 1, the Examiner alleges that the claim recites only nonfunctional data structures. Applicants respectfully submit that the Examiner has incorrectly characterized the “computer-readable medium” storing a “data structure for managing reproduction of at least still images” recited in claim 1 as nonfunctional descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that a computer-readable medium storing data that manages image reproduction with navigation information indicating a portion of a clip file to display as a still image and a duration to display the still image imparts functionality to a machine containing and/or reading the data structure and is thus functional descriptive material.

MPEP § 2106.01(I) further states, regarding functional descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.”

Accordingly, because the computer readable medium and code arrangement thereon recited in claim 1 provides management and display instruction to a processor, claim 1 is directed towards patentable, statutory subject matter. Claims 2-15, dependent upon claim 1, are allowable at least for incorporating statutory material from claim 1. The Applicants, therefore, respectfully request that the rejection to Claim 1-15 under 35 U.S.C. § 101 be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-3, 6-10, and 13-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Pat Pub 2002/0145702 to Kato et al. ("Kato"). Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claims 1, 16, and 18, the Examiner alleges that Kato teaches each and every element of this claim in its FIG. 14 and paragraph [0190]. Applicants respectfully submit that Kato teaches a directory structure and clip information file placement therein in FIG. 14. *See* FIG. 14, ¶¶ [0214], [0219]. Kato teaches nothing further about the information files in FIG. 14, including how an information file meets the recited "navigation file" or that the information files indicate "an in-point and an out-point of a clip file . . . to display as a still image and a *duration* to display the still image" as recited in claim 1. The earlier teaching in Kato paragraph [0190] unrelated to FIG. 14 and regarding marking information for clip files is presumably cited to teach indication of portions and durations of clip files to display. However, even if Kato's mark points do display pictures from a clip file, Kato is silent with regard to how the marks include a display *duration* of the image as recited in claim 1. Rather, Kato suggests that images associated with its clip file marks are displayed based on user commands, not based on navigation information. *See* ¶¶ [0190]-[0192].

Because Kato does not teach or fairly suggest each and every feature of claims 1, 16, and 18, Kato cannot anticipate or render obvious claims 1, 16, and 18. Claims 19 and 20 recite

similar features to those features in claims 1, 16, and 18 discussed above as not taught in Kato and are thus similarly allowable over Kato. Claims 2, 3, 6-10, 13-15, and 17 are allowable at least for depending from an allowable base claim. The Applicants, therefore, respectfully request that the rejection to Claims 1-3, 6-10, and 13-20 under 35 U.S.C. § 102(e) be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 4-5 and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato alone. Applicants respectfully traverse this rejection for the reasons detailed below.

Kato, as discussed above, does not teach or fairly suggest each and every element of claim 1. Thus Kato cannot either anticipate or render obvious claim 1 and claims dependent therefrom. Claims 4-5 and 11-12 are allowable at least for depending from an allowable base claim 1. The Applicants, therefore, respectfully request that the rejection to Claims 4-5 and 11-12 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, Reg. No. 35,416, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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